

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY ALEXANDER JAMES,

Plaintiff,

v.

METZGER MANAGEMENT  
COMPANY,

Defendant,

No. 2:23-cv-1174 DAD DB PS

ORDER

Plaintiff Anthony Alexander James is proceeding in this action pro se. This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 28 U.S.C. § 636(b)(1). On January 8, 2024, the undersigned issued an order dismissing plaintiff's complaint and granting plaintiff leave to file an amended complaint within twenty-eight days. (ECF No. 11.) On April 10, 2024, plaintiff filed a Status Report. (ECF No. 12.) Therein, plaintiff expresses "disbelief" upon learning "that the case had been dismissed" because plaintiff "had not received any notification about the dismissal" until inquiring from "the clerk" on April 10, 2024. (*Id.* at 2.)

Plaintiff is advised that this case has not been dismissed. The January 8, 2024 order only dismissed the complaint but also granted plaintiff leave to file an amended complaint. Because it appears that plaintiff did not receive that order in a timely manner, plaintiff will be granted an extension of time to file an amended complaint. However, plaintiff is advised that the January 8,

2024 order was served on plaintiff's address of record and was not returned as undeliverable. The court, therefore, had no reason to know plaintiff did not receive the order.

**CONCLUSION**

Accordingly, IT IS HEREBY ORDERED that:

1. Within twenty-eight days from the date of this order, an amended complaint shall be filed that cures the defects noted in the order issued January 8, 2024, and complies with the Federal Rules of Civil Procedure and the Local Rules of Practice.<sup>1</sup> The amended complaint must bear the case number assigned to this action and must be titled "Amended Complaint"; and

2. Plaintiff is cautioned that the failure to comply with this order in a timely manner may result in a recommendation that this action be dismissed.

DATED: April 22, 2024

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Alternatively, if plaintiff no longer wishes to pursue this action plaintiff may file a notice of voluntary dismissal of this action pursuant to Rule 41 of the Federal Rules of Civil Procedure.